



April 6, 2001

ENGROSSED SENATE BILL No. 464

DIGEST OF SB 464 (Updated April 3, 2001 2:09 PM - DI 52)

Citations Affected: IC 6-3.5; IC 13-21.

Synopsis: Solid waste management districts. Provides that a resolution passed by a county fiscal body to approve a distribution to a solid waste management district under the laws concerning the county option income tax and the county adjusted gross income tax may: (1) expire on a date specified in the resolution; or (2) remain in effect until the county fiscal body revokes or rescinds the resolution. Provides that the law restricting the provision of waste management services by districts does not apply to activities conducted as part of household hazardous waste collection and disposal projects. Allows a district to address multiple one day events in one resolution that allows the district to provide waste management services if the events all take place in the same year.

Effective: July 1, 2001.

Gard, Simpson

(HOUSE SPONSORS — WEINZAPFEL, WOLKINS)

January 18, 2001, read first time and referred to Committee on Environmental Affairs.
February 27, 2001, amended, reported favorably — Do Pass.
March 5, 2001, read second time, ordered engrossed. Engrossed.
March 7, 2001, read third time, passed. Yeas 47, nays 0.

HOUSE ACTION

March 12, 2001, read first time and referred to Committee on Environmental Affairs.
April 5, 2001, reported — Do Pass.

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ES 464—LS 8123/DI 52+



April 6, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

ENGROSSED SENATE BILL No. 464

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-3.5-1.1-1.3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. (a) This section
3 applies to a county solid waste management district (as defined in
4 IC 13-11-2-47) or a joint solid waste management district (as defined
5 in IC 13-11-2-113).
6 (b) A district may not receive a distribution under this chapter
7 unless a majority of the members of each of the county fiscal bodies of
8 the counties within the district passes a resolution approving the
9 distribution.
10 (c) **A resolution passed by a county fiscal body under subsection**
11 **(b) may:**
12 **(1) expire on a date specified in the resolution; or**
13 **(2) remain in effect until the county fiscal body revokes or**
14 **rescinds the resolution.**
15 SECTION 2. IC 6-3.5-6-1.3 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1.3. (a) This section
17 applies to a county solid waste management district (as defined in

ES 464—LS 8123/DI 52+



IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113).

(b) A district may not receive a distribution under this chapter unless a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving the distribution.

(c) A resolution passed by a county fiscal body under subsection (b) may:

(1) expire on a date specified in the resolution; or

(2) remain in effect until the county fiscal body revokes or rescinds the resolution.

SECTION 3. IC 13-21-3-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14.5. (a) This section does not apply to the following:

(1) The continuation of waste management services that a solid waste district provides with its facilities or work force before March 15, 1996.

(2) Waste management services provided to the district under an agreement entered into by the district before March 15, 1996, with another person until the agreement terminates by its terms or is terminated for cause.

(3) The development, operation, and contracting for the development or operation of a publicly owned solid waste landfill in a county having a population of more than one hundred seven thousand (107,000) but less than one hundred eight thousand (108,000). The operation of the landfill must have begun before July 1, 2001.

(4) A contract entered into between the board and a third party before May 1, 1997, for the development or operation of a solid waste landfill in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). The third party is limited to those parties that submitted proposals to the board under a formal request for proposals that were selected by the board, before December 1, 1995, as finalists in the contract negotiations.

(5) A contract between a board and a third party to operate a facility that is owned by the district and for which construction was substantially complete before March 1, 1996.

(6) Activities conducted as part of household hazardous waste (as defined in IC 13-11-2-104) collection and disposal projects.

(b) Except as provided in subsection (c), a district may not:

(1) undertake to provide waste management services by means of

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its own work force; or

(2) contract with any person to provide waste management services.

(c) A district may perform the activities described in subsection (b):

(1) if:

~~(1)~~ (A) the board is able to adopt a resolution under subsection (d); and

~~(2)~~ (B) a private sector entity is not willing or able to provide waste management services at a reasonable cost to the district; or

(2) if the district is requested to do so by a unit of government that performs the activities with the unit's work force.

(d) The board may adopt a resolution determining that the district must either provide waste management services by means of its own work force or contract with a person to provide waste management services, only if the board finds that:

(1) the waste management service is not currently available in the district at a reasonable cost; and

(2) providing the waste management service by means of its own work force or by contract will benefit the public health, welfare, and safety of residents of the district.

The board's determination must be supported with findings of fact.

(e) A district shall provide notice by publication under IC 5-3-1 and at the time of publication serve by first class mail to any person that delivers to the district an annual written request for notices before January 1 of any meeting to consider adoption of a resolution making a preliminary determination that it is necessary for the district to undertake to provide waste management services by means of its own work force or contract with any person to provide waste management services.

(f) Whenever a district evaluates the reasonableness of cost under this section, it shall:

(1) compare the cost of the same level of service provided in the district or in similar demographic areas within Indiana; and

(2) if the district wishes to provide waste management services with its own facilities or work force, the district must disclose the entire cost of providing the service by the district, including the following:

(A) subsidies arising from taxes, fees, grants, or intergovernmental transfers;

(B) in-kind contributions of real estate, interests in real estate, equipment, personnel, or other assets;



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(C) discounts; and

(D) tax exemptions.

(g) A resolution adopted under subsection (d) may authorize a district to perform more than one (1) solid waste recycling, collection, or disposal event in the manner described in subsection (b) if:

(1) the duration of each event authorized by the resolution is not more than one (1) day; and

(2) all events authorized by the resolution will take place in one (1) calendar year.

SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 464, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 12 through 42.

Delete pages 3 through 7.

Page 8, delete lines 1 through 37.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 464 as introduced.)

GARD, Chairperson

Committee Vote: Yeas 6, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Senate Bill 464, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

WEINZAPFEL, Chair

Committee Vote: yeas 12, nays 0.

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ES 464—LS 8123/DI 52+

